

SEP 09 2008

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

MOLLY C. DWYER, CLERK  
U.S. COURT OF APPEALS

FOR THE NINTH CIRCUIT

GLENN HENDERSON,

Plaintiff - Appellant,

v.

ROBERTSON, Dr.; et al.,

Defendants - Appellees.

No. 05-56553

D.C. No. CV-05-05659-ABC

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Central District of California  
Audrey B. Collins, District Judge, Presiding

Submitted August 26, 2008<sup>\*\*</sup>

Before: SCHROEDER, KLEINFELD, and IKUTA, Circuit Judges.

Glenn Henderson appeals pro se from the district court's order dismissing his diversity action alleging medical malpractice in 1959 or 1960. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review de novo, *Fanucchi & Limi*

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<sup>\*</sup> This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

<sup>\*\*</sup> The panel unanimously finds this case suitable for decision without oral argument. See Fed. R. App. P. 34(a)(2).

*Farms v. United Agri Products*, 414 F.3d 1075, 1080 (9th Cir. 2005), and we affirm.

The district court properly dismissed Henderson's action as time-barred because, whether N.C. Gen. Stat. § 1-15(c) applies, or Cal. Civ. Proc. § 340.5 applies, according to his own pleadings, Henderson's action accrued more than the requisite period before he filed his complaint.

**AFFIRMED.**